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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 16th August, 1985:—

BILL NO. 148 OF 1985

A Bill to amend the Terrorist Affected Areas (Special Courts) Act, 1984.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Terrorist Affected Areas (Special Courts) Amendment Act, 1985.

Insertion of new section 15A.

61 of 1984.

2. In the Terrorist Affected Areas (Special Courts) Act, 1984 (hereinafter referred to as the principal Act), after section 15, the following section shall be inserted, namely:—

Abolition of certain Special Courts.

"15A. Where the area comprising a judicial zone has ceased to be a terrorist affected area and no cases are pending before a Special Court or an Additional Special Court established in relation to such judicial zone, the Central Government may, by notification in the Official Gazette, abolish such Special Court or Additional Special Court.".

Substitution of the Schedule.

3. For the Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE SCHEDULE

[*See* section 2(*f*)]

1. Offences under the following provisions of the Indian Penal Code:— 45 of 1860.

sections 121, 121A, 122 and 123.

2. Offences under the following provisions of the Anti-Hijacking Act, 1982:— 65 of 1982.

sections 4 and 5.

NOTE 1.—The offence of criminal conspiracy or attempt to commit, or abetment of, an offence specified in this Schedule shall be deemed to be a scheduled offence.

NOTE 2.—The commission of an offence specified in this Schedule by any member of an unlawful assembly shall be deemed to be the commission of that scheduled offence by every other member of the unlawful assembly.".

Special Courts to cease to exercise jurisdiction with respect to certain cases and transfer of pending cases.

4. (1) Notwithstanding anything contained in section 7 of the principal Act but subject to the provisions of sub-section (2), after the commencement of this Act, a Special Court shall not take cognizance of, or have or exercise any jurisdiction with respect to, any offence other than an offence mentioned in or connected with an offence mentioned in the Schedule to the principal Act as substituted by section 3 of this Act.

(2) Every case which is pending immediately before the commencement of this Act before any Special Court and which is in respect of an offence other than an offence mentioned in, or connected with an offence mentioned in, the Schedule to the principal Act as substituted by section 3 of this Act shall, as soon as may be after such commencement, be transferred to a court which would have had jurisdiction but for the enactment of the principal Act to take cognizance thereof and the court to which the case is so transferred may proceed with the case from the stage at which it was at the time of such transfer as if it had originally taken cognizance of the case and the case was pending with it at that time.

(3) This section shall be read as one with the principal Act and words and expressions used in this section shall be construed accordingly.

STATEMENT OF OBJECTS AND REASONS

The Terrorist Affected Areas (Special Courts) Act, 1984 was enacted in the background of disturbed conditions in certain parts of the country due to criminal activities of the terrorists. In the changed situation, it is felt that it would be adequate and would be in the public interest if the jurisdiction of the Special Courts under the Act is restricted to extremely serious offences of waging war against the Government and hijacking.

2. It is accordingly proposed to substitute for the Schedule to the aforesaid Act a new Schedule covering only offences under sections 121, 121A, 122 and 123 of the Indian Penal Code, offences under sections 4 and 5 of the Anti-Hijacking Act, 1982 and offences involving attempt to commit or abetment to, or conspiracy to, commit any of the said offences and to provide for transfer of cases relating to other offences which are pending before Special Courts to the ordinary courts under the Code of Criminal Procedure.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 6th August, 1985.

S. B. CHAVAN.

SUBHASH C. KASHYAP,
Secretary-General.

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